

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules to Ensure	)	CC Docket No. 94-102
Compatibility with Enhanced 911 Emergency	)	
Calling Systems	)	

**COMMENTS OF THE  
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association ("CTIA")<sup>1</sup> hereby submits its Comments in the above captioned proceeding<sup>2</sup> in support of the Petition filed by OnStar Corporation seeking a declaratory ruling that in-vehicle, embedded telematics devices should not be included in the carrier subscriber base used to establish a CMRS carrier's compliance with the E911 Phase II "handset" activation requirements set forth in the Commission's rules.<sup>3</sup> As described below, CTIA supports the OnStar request.

On December 3, 2002, OnStar filed a petition asking the Commission to clarify that embedded telematics units are not "handsets" within the context of Section 20.3 of the

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<sup>1</sup> CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

<sup>2</sup> See *Wireless Telecommunications Bureau Seeks Comment on OnStar Petition for Declaratory Ruling Regarding the Applicability of the Commission's E911 Phase II Requirements for Wireless "Handsets" to In-Vehicle, Embedded Telematics Units*, CC Docket No. 94-102, *Public Notice*, DA 02-3565 (rel. Dec. 20, 2002).

<sup>3</sup> See Section 20.18(g)(1) of the Commission's rules, 47 C.F.R. § 20.18(g)(1).

Commission's rules,<sup>4</sup> and thus should not be included in determining the CMRS service provider's handset activation compliance requirements. OnStar further recommends that the Commission reserve for a future rulemaking the issue of the 911 Phase II obligations of in-vehicle, embedded telematics units.

## DISCUSSION

Last month, the Commission began an inquiry into the 911 obligations of a broad range of devices and services that are not addressed in the current rules.<sup>5</sup> It is significant that the Commission included in-vehicle telematics services in this new proceeding. In so doing, the Commission implicitly recognized that telematics units, which are embedded within a vehicle and use autonomous (stand-alone) GPS technology, are different from traditional CMRS handsets and the network-assisted Global Positioning System/Advanced Forward Link Trilateration (AGPS/AFLT) handset solution being deployed by carriers.

It is clear that neither the Commission nor any party considered in-vehicle telematics units when the Commission established the Phase II E911 rules. Because telematics units differ from traditional CMRS handsets, and telematics services differ from traditional CMRS services, it is appropriate that the Commission inquire whether telematics also requires different rules. Moreover, different providers of telematics services use different technologies. The Commission

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<sup>4</sup> The *Wireless E911 Third Report and Order* amended Section 20.3 of the Commission's Rules to define location-capable handsets as "portable or mobile phones that contain special location-determining hardware and or software, which is used by a licensee to locate 911 calls." *Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, 14 FCC Rcd 17388 (1999).

<sup>5</sup> *Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Further Notice of Proposed Rulemaking, CC Docket No. 94-102 and IB Docket No. 99-67 (rel. Dec. 20, 2002).

should avail itself of the broader record that will be developed in the new proceeding before deciding this issue.

In the meantime, the Commission should forbear from applying the E911 Phase II “handset” activation compliance requirements to telematics units. Although OnStar did not seek forbearance pursuant to Section 10 of the Act,<sup>6</sup> forbearance of these rules -- at least until the Commission can complete its review of the record developed in the Further Notice of Proposed Rulemaking – is consistent with the public interest.

Put differently, the public interest would not be served by strict application of the Phase II rules to in-vehicle telematics units. OnStar provides telematics service to over two million subscribers.<sup>7</sup> The in-vehicle telematics units installed by OnStar are integrated into automobiles, and are not designed to be swapped out or retrofitted.<sup>8</sup> Since it is not practical to retrofit these two million devices, absent relief from the Phase II rules, especially Rule 20.18(g)(1)(v) that requires carriers to achieve 95% penetration of location-capable handsets among its subscribers by December 31, 2005, carriers providing service to large numbers of telematics customers will be forced to terminate service to telematics units.<sup>9</sup> This would be extremely ironic, since in-vehicle telematics units use GPS technology to provide the same level of location information

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<sup>6</sup> Communications Act of 1934, as amended, § 10, 47 U.S.C. § 160 (2001).

<sup>7</sup> OnStar Petition at 2.

<sup>8</sup> *Id.*, at 8 (“the practicability of retrofitting an existing analog telematics unit embedded into a vehicle’s electrical architecture with a digital solution is uncertain given technology, cost and accessibility issues.”)

<sup>9</sup> See Section 20.18(g)(1)(v) of the Commission’s rules, 47 C.F.R. § 20.18(g)(1)(v).

contemplated in the Commission's Phase II rules for assisting in the dispatch of emergency responders.<sup>10</sup>

Finally, it is appropriate that the Commission use the Further Notice to address what E911 Phase II rules should be established for in-vehicle telematics, and forbear from applying the E911 Phase II handset activation rules to telematics units because the assumptions the Commission used to establish the handset activation rules do not apply to in-vehicle telematics. In establishing the handset activation rules, the Commission based its aggressive implementation deadlines on the relatively short product cycle of wireless handsets (typically 18 to 24 months, at least when the rules were established). While many Americans would like to replace their vehicles as frequently as they replace their wireless handsets, the life cycle of an automobile is at least five times as long as a wireless handset. Absent the ability to retrofit the millions of telematics units installed in vehicles, strict application of the Commission's rules will deny the public of the safety and security these devices provide, and waste the millions of dollars the public has invested in telematics. Neither result serves the public interest.

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<sup>10</sup> Moreover, until Phase II E911 service is ubiquitously deployed throughout the United States, in-vehicle telematics units provide a valuable "safety net" for subscribers who would have no other means of providing accurate location information to PSAPs.

## **CONCLUSION**

For the foregoing reasons, the Commission should grant the Petition filed by OnStar Corporation seeking a declaratory ruling that in-vehicle, embedded telematics devices should not be included in the carrier subscriber base used to establish a CMRS carrier's compliance with the E911 Phase II "handset" activation requirements. CTIA urges the Commission to forbear from the enforcement of these rules at least until the completion of its review of the record developed in the pending Further Notice of Proposed Rulemaking in this docket.

Respectfully submitted,

/s/ Michael Altschul

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